

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

Lacey Rogers,
Plaintiff,

v.

Michael J. Astrue, Commissioner of
Social Security Administration,
Defendant.

Case No. 13-CIV-036-Raw-KEW

OPINION AND ORDER

This case was filed on January 22, 2013. On January 26, 2013, the court entered a minute order directing Plaintiff to file a notice as to Plaintiff's residency no later than February 1, 2013. On January 30, 2013, Plaintiff timely filed a Notice with the court stating that Plaintiff resides in Warr Acres, Oklahoma, which is located in the Western District of Oklahoma. *See* 28 U.S.C. § 116(c).

Pursuant to the Social Security Act, 42 U.S.C. § 405(g), an action brought against the Commissioner of the Social Security Administration ("Commissioner") to obtain review of the Commissioner's final decision must be "brought in the district court of the United States for the judicial district in which the plaintiff resides..." *Id.* A court may transfer any civil action to any other district where it might have been brought. 28 U.S.C. § 1404(a). When venue is improper, 42 U.S.C. § 1406(a) requires the court to dismiss the case, "or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought." *Id.* The court finds that the interest of justice is best served by a transfer, and not a dismissal, of this lawsuit.

ACCORDINGLY, the court finds that the Eastern District of Oklahoma is not a proper venue for this action. The court further finds that transfer of this matter to the Western District of Oklahoma is appropriate under 42 U.S.C. § 1406(a). The Court Clerk is directed to transfer this matter to the Western District of Oklahoma.

Dated this 31st day of January, 2013.

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Ronald A. White
United States District Judge
Eastern District of Oklahoma